

**Remarks:**

Reconsideration of the application, as amended herein, is respectfully requested.

Claims 2 - 21 are presently pending in the application. Claim 1 has been canceled. Claims 2 - 21 have been added herein.

The Office Action of December 29, 2004, was issued to give Applicant a chance to respond to previous Office Actions, to which Applicant's bona fide attempts to respond were determined to be "not fully responsive". Applicant believes that the present response addresses the issues raised in the Action of December 29, 2004, as well as the previously issued actions.

In paragraph 1 of an Office Action dated March 18, 2004, Applicant was provided with guidelines for the preferred layout for a specification of a utility application. In paragraph 2 of the Office Action of March 18, it was indicated that revision of the specification and claims to present the application in proper form was required. Pursuant to 37 C.F.R. § 1.125, Applicant has filed simultaneously herewith, a substitute specification in the arranged as provided in 37 C.F.R. § 1.77(b). Additionally, Applicant's representative has supplied with the substitute specification, a Statement that no new matter has been added by way of the substitute

specification, pursuant to 37 C.F.R. § 1.125. Note that Table 1 of the present substitute specification was included on originally filed drawing sheet, page 6.

Additionally, included herewith are six (6) replacement sheets of drawings for FIGS. 1 - 8, to replace the six sheets of drawings most recently filed in the present case. The drawings have been amended to include labels (i.e. reference numbers and tags) referencing the denoted items, as well as to include lead lines from the labels to the items.

Additionally, certain general labels have been deleted from the drawings. Red-lined copies of the drawings, showing the changes made, are additionally included herewith.

In paragraph 3 of the Office Action dated March 18, 2004, the Certificate of Mailing practice was pointed out. Applicant has used such a certificate of mailing under 37 C.F.R. § 1.8(a) on the present response.

In paragraph 4 of the Office Action dated March 18, 2004, it was noted that papers being filed in the Office should include the application number, group art unit number, filing date, name of the Examiner and Title of the Invention. Applicant has included on this paper a header including the requested information.

In paragraphs 5 - 7 of the Office Action of March 18, 2004, the claim was objected to as having many periods and rejected under 35 U.S.C. § 112 for being in narrative form. The claim was renumbered as claim 1. In the present Amendment, claim 1 has been canceled and new claims 2 - 21, have been added. It is believed that the objection to the claim of paragraph 5 of the Office Action of March 18, as well as the rejection of the claim under paragraph 7, has been addressed by the present Amendment.

In paragraph 9 of the Office Action of March 18, 2004, claim 1 was rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U. S. Patent No. 5,816,059 to Ficchi Jr. et al ("FICCHI").

Applicant respectfully traverses the above rejection, as applied to the new claims.

Applicant's independent claims 2, and 20 relate to a portable thermostatic controller for use with an HVAC unit located remotely from a thermostat, requiring, among other limitations, a controller circuit and a test circuit for testing at least one of continuity and voltage. Applicant's independent claim 17 relates to a portable thermostatic

controller for use with an HVAC unit located remotely from a thermostat, including, among other limitations, a controller circuit and a particularly configured flashlight circuit

The FICCHI reference, cited in the Office Action of March 18, 2004, neither teaches, nor suggests, anything more than an input controller for an HVAC system. In fact, FICCHI discloses only a controller circuit in its device. Contrary to the statement made in paragraph 9, on page 6 of the Office Action of March 18, 2004, FICCHI neither teaches, nor suggests, among other limitations of Applicant's claims, a continuity tester, a voltage tester or a flashlight. Although the FICCHI reference does disclose indicator lights L1 - L7, these are not a "flashlight", but are merely lights that indicate a particular mode of operation of the FICCHI device. See for example, FICCHI col. 4, lines 18 - 19, stating "power] switch S7 is turned ON and the light L7 lights if power is present." The indicator lights of FICCHI are not a "flashlight", as claimed by Applicant.

Further, FICCHI certainly does not teach or suggest that a continuity tester, a voltage tester or a flashlight (none of which are ever mentioned in FICCHI) could be combined into the same unit as a controller for an HVAC system.

It is accordingly believed that none of the references, whether taken alone or in any combination, teach or suggest the features of claims 2, 17 and 20. Claims 2, 17 and 20 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 2, 17 or 20. As it is believed that the claims were patentable over the cited art in their original form, the claims have not been amended to overcome the references.

In view of the foregoing, reconsideration and allowance of claims 2 - 21 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Additionally, please consider the present as a petition for a one month extension of time, and please provide a one month extension of time, to and including, February 28, 2005 to respond to the present Office Action.

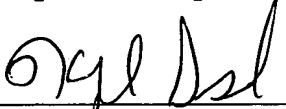
The extension fee for response within a period of one (1) month pursuant to Section 1.136(a) in the amount of \$60.00,

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Response Dated February 28, 2005  
Responsive to Office Action of December 29, 2004

for a small entity, in accordance with Section 1.17 is  
enclosed herewith.

Please provide any additional extensions of time that may be  
necessary and charge any other fees that might be due with  
respect to Sections 1.16 and 1.17 to the Deposit Account of  
Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

  
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For Applicant

Kerry P. Sisselman  
Reg. No. 37,237

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February 28, 2005

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Amendments to the Drawings:

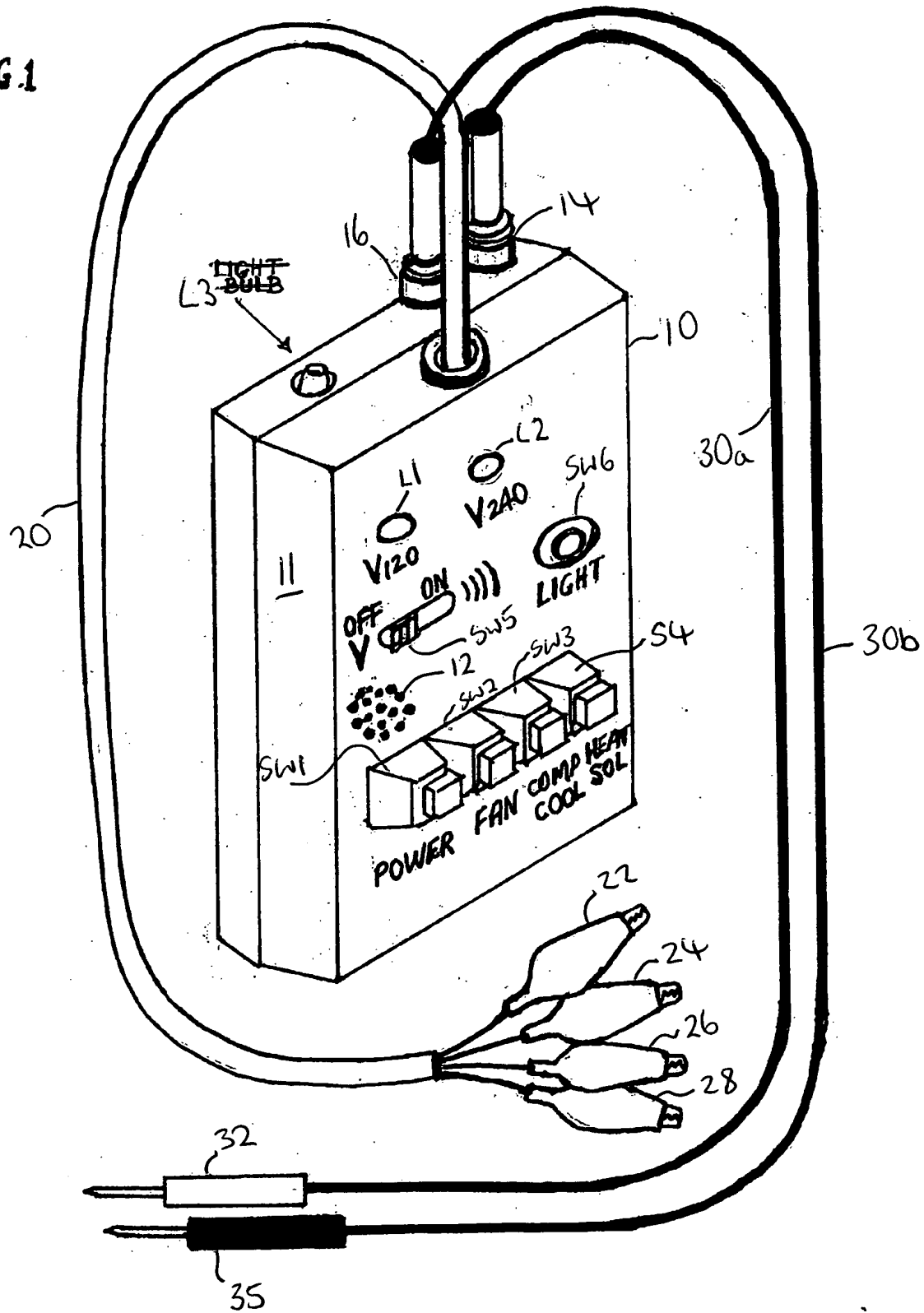
Included herewith are six (6) replacement sheets of drawings to replace the six sheets of drawings, most recently filed in the present case. The drawings have been amended to include labels (i.e. reference numbers and tags) referencing the denoted items, as well as to include lead lines from the labels to the items. Additionally, certain general labels have been deleted from the drawings. Red-lined copies of the drawings, showing the changes made, are additionally included herewith.

Attachment:      Six (6) Replacement Sheets

                    Six (6) Annotated Sheets Showing Changes

# ~~THERMOSTATIC CONTROLLER AND CIRCUIT TESTER~~

FIG. 1





~~THERMOSTATIC CONTROLLER AND CIRCUIT TESTER~~

FIG.2 ~~CONTROLLER CIRCUIT~~

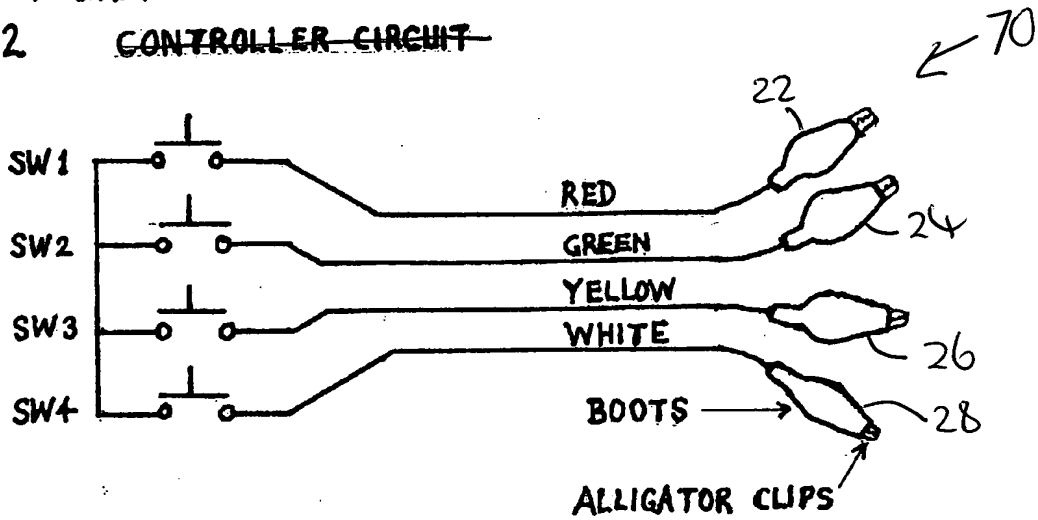
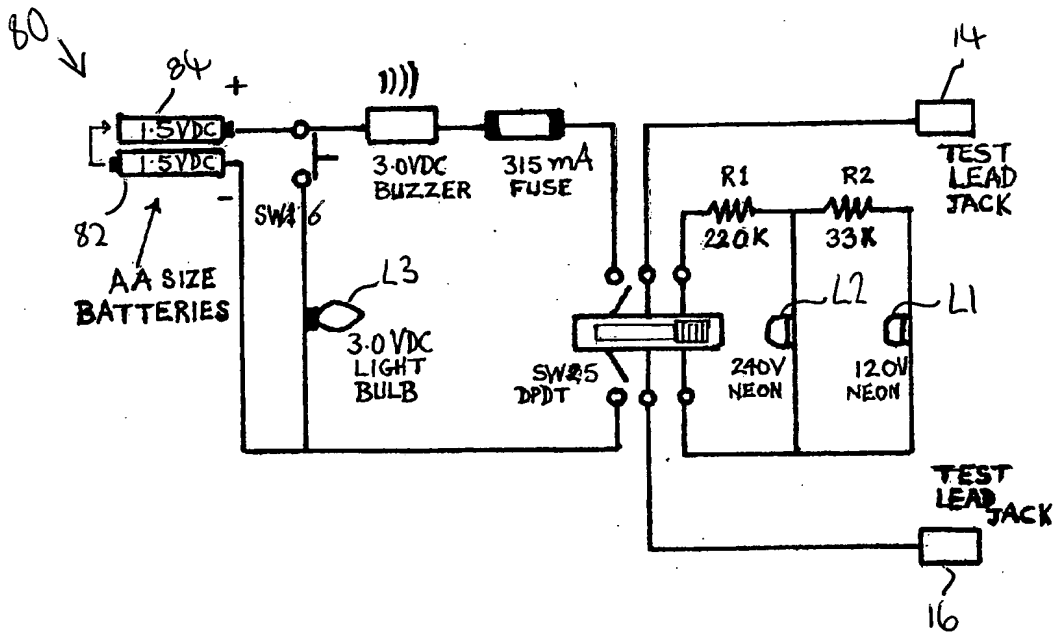


FIG.3 ~~TEST CIRCUIT~~



# ~~THERMOSTATIC CONTROLLER AND CIRCUIT TESTER~~

FIG. 4 ~~CONTROLLER~~

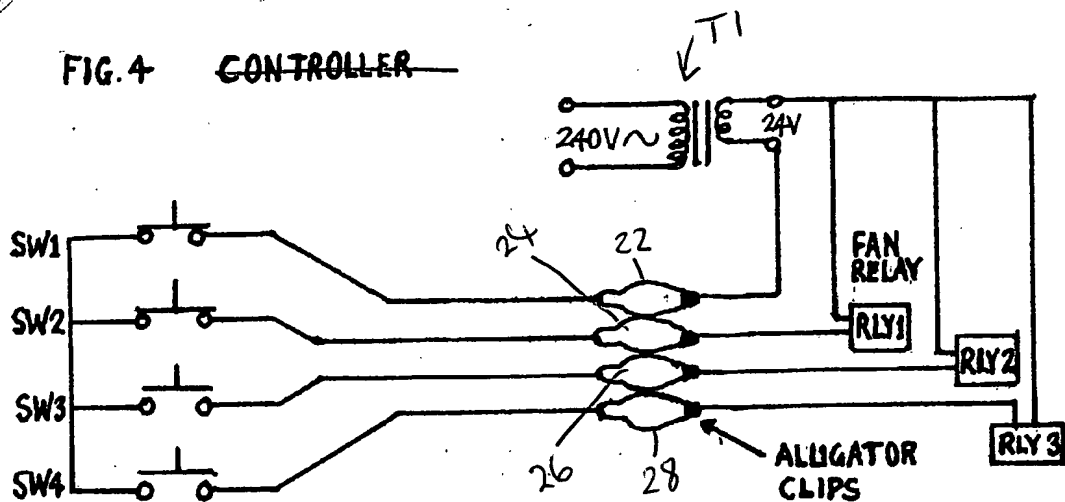
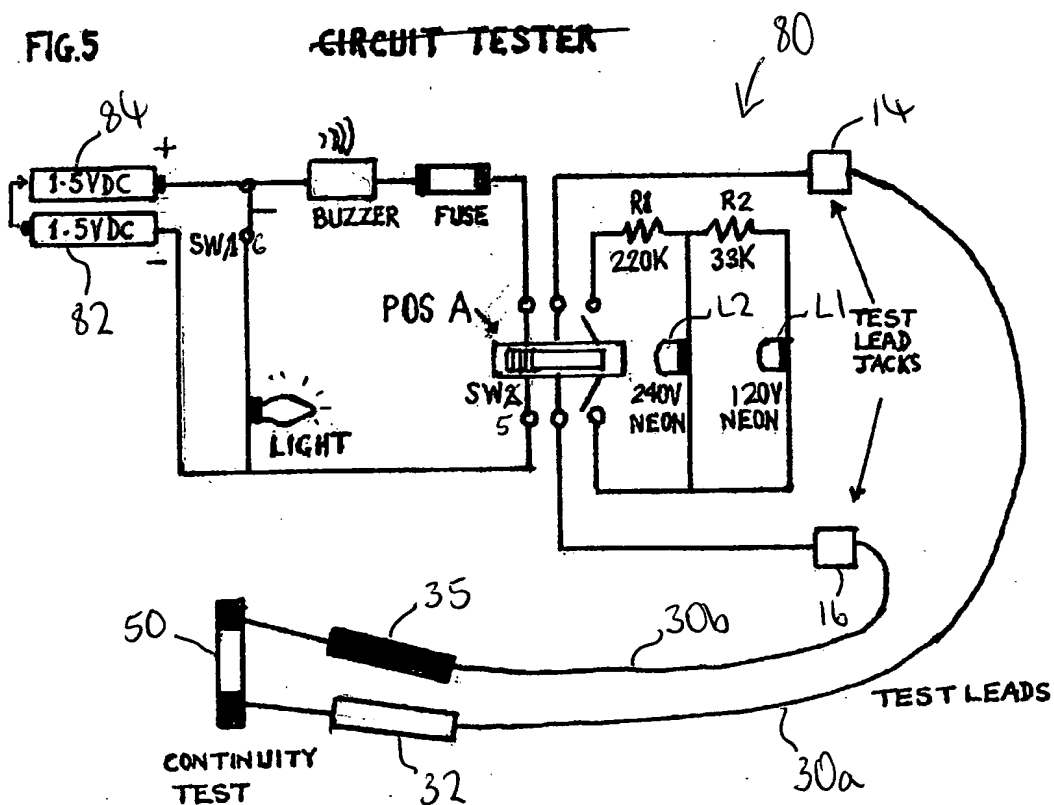
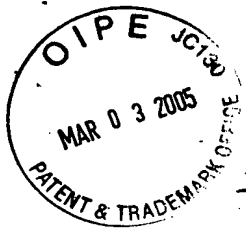


FIG. 5 ~~CIRCUIT TESTER~~

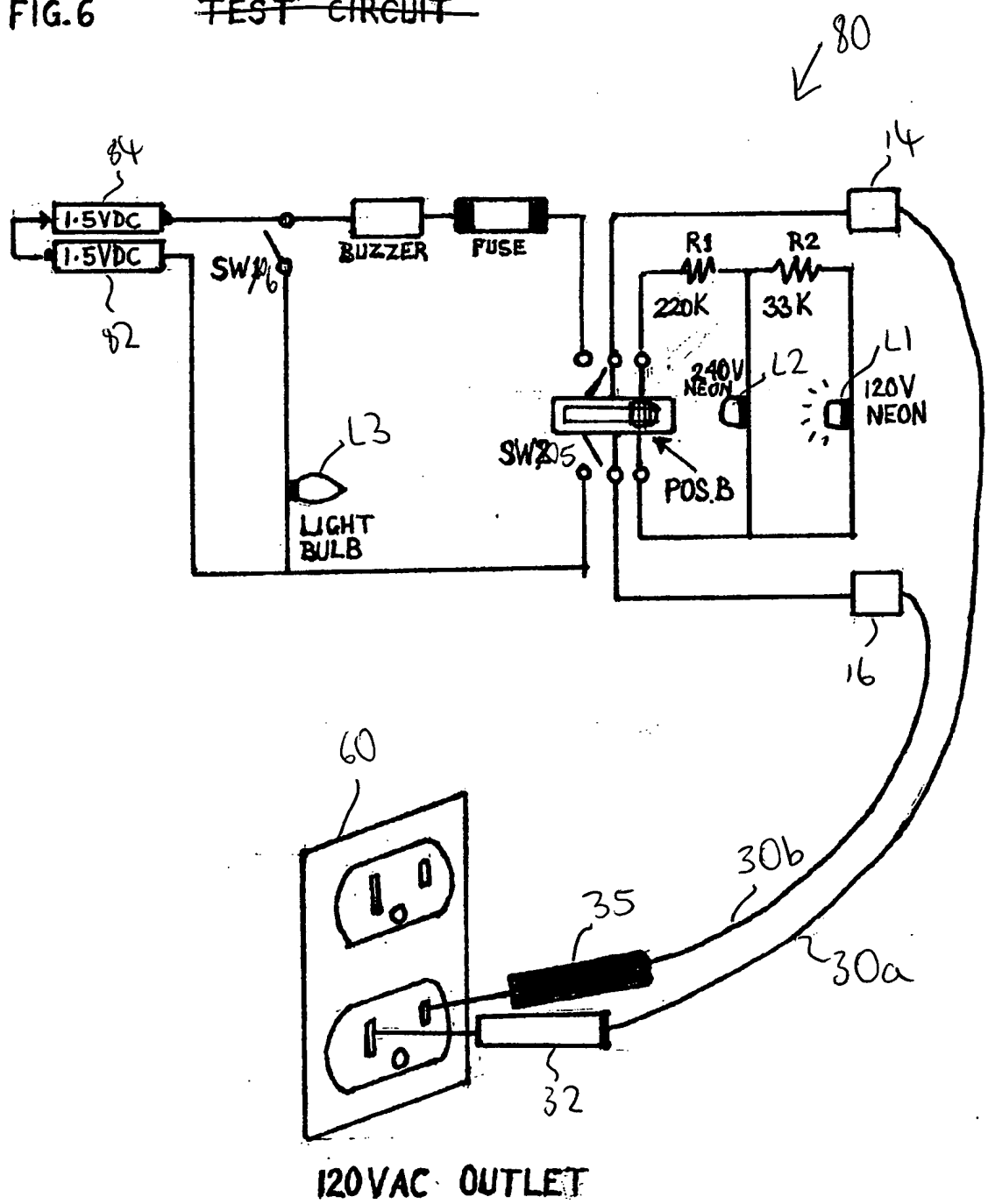




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~~THERMOSTATIC CONTROLLER AND CIRCUIT TESTER~~

FIG. 6 ~~TEST CIRCUIT~~

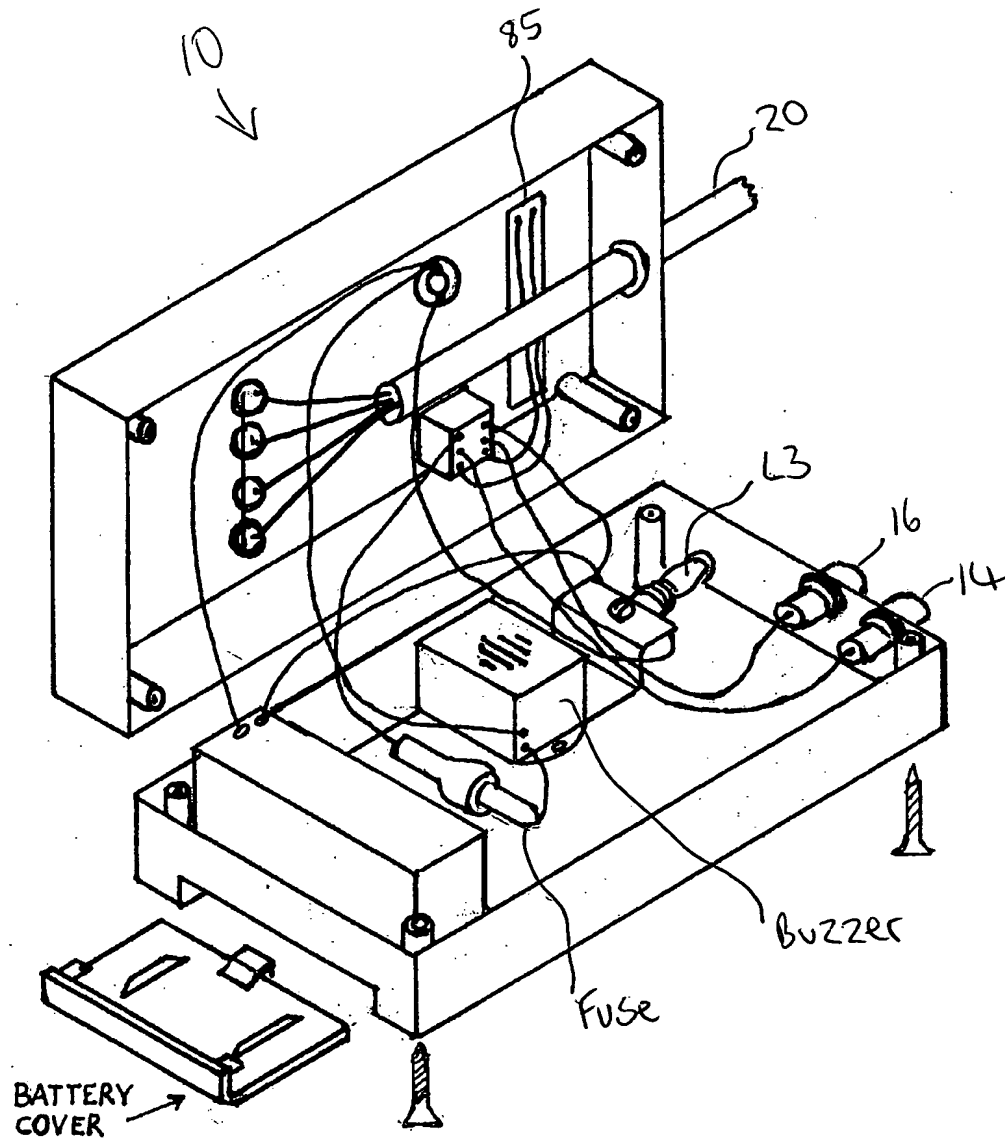




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~~THERMOSTATIC CONTROLLER AND CIRCUIT TESTER~~  
~~ASSEMBLY DIAGRAM~~

FIG. 7





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# ~~THERMOSTATIC CONTROLLER AND CIRCUIT TESTER~~

FIG. 8

